

U.S. Patent Application Serial No. **10/807,174**
Amendment filed January 30, 2006
Reply to OA dated October 28, 2005

REMARKS

Claims 1-7 are pending in the application.

The claim amendments are supported in the specification as follows: Claim 1: (grammatical amendment). The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **October 28, 2005**.

Claims 1-3, and 5-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of US Patent No. 6,613,834.
(Office Action, p.2)

A Terminal Disclaimer over USP 6,613,834 is being filed herewith to overcome the rejection.

Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US Patent No. 6,780,498. (Office Action, p.2)

A Terminal Disclaimer over USP 6,780,498 is being filed herewith to overcome the rejection.

Claim 1 is rejected under 35 USC 102(b) as being anticipated by Yamamura et al (US 4,778,722). (Office Action, p.3)

Yamamura is discloses an inorganic fiber having a composition of (1) a polycarbosilane mixed with (2) polymetallosiloxane with a main-chain skeleton composed of metalloxane units of

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the formula (-M-O-) wherein M represents Ti or Zr (col.3, lines 20-31). All of the working examples disclosed in the patent use the polymetallosiloxane fibers created in Production Example 1 and 2 (col.11).

In light of the fact that the composition of Yamamura contains a polymetallosiloxane with Ti or Zr atoms as the second main component, and the applicants claimed invention does not contain a polymetallosiloxane, it is impossible for the chemically different composition of Yamamura to anticipate the claimed a siloxane resin; a silicon compound and solvent composition.

It is respectfully urged that this rejection be withdrawn.

Claims 1, 2, 5 and 6 are rejected under 35USC102(e) as being anticipated by Rutherford et al (US 6,318,124). (Office Action, p.3)

Regarding Rutherford (US 6,318,124), column 10, lines 31-37 merely enumerates the compounds which can be used:

Thus, according to the invention, a suitable polymer or silicon-based SOG substrate or polymer precursor, simply by way of example, a low organic siloxane, a high organic siloxane, a hydridoorganosiloxane, a poly(arylene ether), a fluorinated poly(arylene) ether, a polyimide, a polycarbosilane, and combinations thereof, is then applied over the nanoporous dielectric film coating.

Although the part includes a phrase "combinations thereof," it does not discriminate the combination of a polycarbosilane and a siloxane resin from the other compounds, or discloses unique properties of low dielectric constant, chemical resistance against acids and alkalis, and moisture resistance brought about by the specific combination of a siloxane resin and a specific

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type of a silane compound as well as the specific number ratio of carbon to silicone in claim 1 of the present application (page 5, line 21 to page 6, line 20 and page 9, lines 12-14, in the specification). This brief mention of a possible combination out of many combinations is not enough to anticipate the invention as claimed in claim 1.

It is urged that this rejection be reconsidered and withdrawn.

Claims 1-3, and 5-7 are rejected under 35 USC102(a) as being anticipated by JP2001-127152. (Office Action, p.4)

JP2001-127152 is chemically different because it discloses a ratio of carbon to silicone of 1:1 in the composition. Formula 1 and Formula 2 show this ratio. The amount of silicone is outside the range of claim 1 and claims dependent thereon. Furthermore, the reference does not disclose unique properties of chemical resistance against acids and alkalis.

In light of the chemical difference regarding silicone, it is respectfully requested that this rejection be withdrawn.

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Rutherford et al (US 6,318,124) as applied to claim 1 above, further in view of JP64-009231. (Office Action, p.4)

Claim 1 recites in part:

silicon compound substantially consisting of silicon, carbon and hydrogen, wherein the number ratio of carbon forming an -X- bond (wherein X is (C)_m

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(where m is an integer in the range of from 1 to 3), or a substituted or unsubstituted aromatic group with 9 or less carbon atoms) to silicon atoms in the main chain of one molecule is in the range of from 2:1 to 12:1;

Claim 1 is not rendered obvious by Rutherford alone because Rutherford lacks the disclosure to make the above obvious to the skilled chemist. JP'293 recites nothing of claim 1 to make it logically obvious. Therefore, the combination of Rutherford with JP'293 fails to suggest the above claimed ratio of 2:1 or 12:1. As a result is logically not possible for the combination of references to successfully teach claim 4, which is dependent from claim 1.

It is respectfully requested that the rejection be reconsidered and withdrawn.

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Rutherford et al (US 6,318,124). (Office Action, p.5)

Nonobviousness on claim 1 over Rutherford is explained above, and by the same argument, claim 7 is also not obvious.

Claim 4 is rejected under 35 USC103(a) as being unpatentable over JP2001-127152 as applied to claim 1 above, further in view of JP 64-009231. (Office Action, p.6)

As previously mentioned JP'152 claims a 1:1 ratio of silicone with carbon. If the composition of JP'152 comprised of Formula 1 and 2 were combined with JP'293, a chemically different product, than that of claim 1, would result. Therefore, even if JP'293 teaches the

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formation of a siloxane polymer from heat treatment of a mixture containing tetralkoxysilane and trialkoxysilane, the combination with JP'152 yields a product with a different silicone amount.

The combination of JP'152 with JP'231 does not logically suggest claim 1 and therefore it is respectfully requested that this rejection be reconsidered and withdrawn.

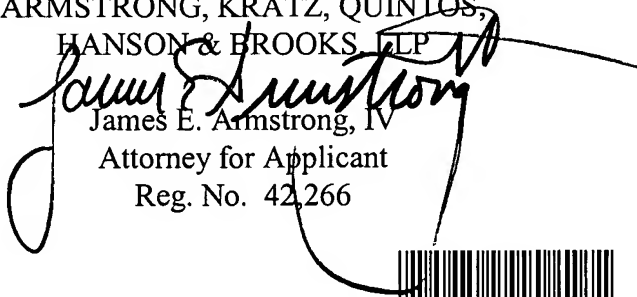
In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Terminal Disclaimer over USP 6,613,834
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